

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Zaire Hitimana Kihutu, also known as
Laris Kihutu Mpagazihe,

Case No. 17-cv-4927 (WMW/TNL)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Ryan Wilson and Holiday Stationstore,

Defendants.

This matter is before the Court on the November 6, 2018 Report and Recommendation (R&R) of United States Magistrate Judge Tony N. Leung. (Dkt. 8.) The R&R recommends dismissing Plaintiff Zaire Hitimana Kihutu's complaint without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b). Objections to the R&R have not been filed in the time period permitted.¹ In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

¹ The Clerk of Court mailed the R&R to Kihutu's last known address, and the United States Postal Service returned the mailing as undeliverable. Kihutu has not provided an alternative address. It is a plaintiff's responsibility to provide updated contact information to ensure the timely receipt of case-related communications. *See Passe v. City of New York*, No. CV 02-6494, 2009 WL 290464, at *4 (E.D.N.Y. Jan. 5, 2009). The Court declines to postpone its decision until Kihutu updates his contact information.

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The November 6, 2018 R&R, (Dkt. 8), is **ADOPTED**; and
2. Plaintiff Zaire Hitimana Kihutu's complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 13, 2018

s/ Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge